

### **REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The Applicant and the undersigned wish to thank Examiner Nguyen and Primary Examiner Eley for the courtesies extended during the interview of August 31, 2005. The amendments proposed during the interview are presented above and the arguments made are repeated herein for the record.

Claims 1-18 are now pending.

Original claims 1, 3, 4, 7 and 8 were rejected under 35 USC 102(b) as being anticipated by Aigner. Applicant respectfully traverses this rejection.

Aigner discloses an exchangeable handle for wooden pushers which can be selectively attached to a block of wood with nails 24 and 34. As such, Aigner's handle does not include a first working surface nor a second working surface for engaging or displacing a workpiece relative to the woodworking equipment. Indeed, the working surface is defined by block 42 which presumably has a forward and/or bottom surface that may engage a workpiece. Even accepting the Examiner's interpretation that the handle itself has a working surface defined by a surface of part 14, nails 24 and 34 do not define working surfaces. Rather, these nails are displaced to penetrate the block to form a wooden pusher. But even accepting that nails 34 arguably define a second working surface, it is respectfully submitted that such an assembly does not meet the limitations of the pushblock device of the invention, as now even more specifically recited in claim 1, wherein the second working surface is specifically characterized as selectively engaging a trailing end surface of the workpiece displaced by the pushblock device. In this regard nails 34 are penetrated into a workblock but are not in any way constructed or arranged to selectively engage a trailing surface of a workpiece. Newly added dependent claim 15 further adds the feature that the heel component of the

invention is in the trailing half of the main body, which is also not taught or suggested by Aigner.

In view of the foregoing, it is respectfully submitted that the invention claimed is not anticipated by nor obvious from Aigner.

Claims 5 and 6 were rejected under 35 USC 103 as unpatentable over Aigner in view of Wirth. Applicant respectfully traverses this rejection.

As noted above, Aigner discloses an exchangeable handle for wooden pushers. Thus, the handle of Aigner is for attaching to a block 42 which is used to push a workpiece. Aigner's handle is not directly engaged with the workpiece and the surface of component part 14 would not engage a workpiece. Under the circumstances, it would be unobvious to modify Aigner in view of Wirth to include a slip resistant pad on the surface of component part 14. Indeed, where a handle such as taught by Aigner is secured with nails 24,34 to a woodblock 42, there is no issue or concern with regard to potential damage to the surface of block 42 nor is there a concern of slip between the handle and block. Nails 24,34 provide for secure attachment of the components. Furthermore, a slip resistant pad on part 14 would disadvantageously hinder attachment of the handle to the block 42, because it would hinder the driving in of nail 24 (which requires that the handle be shifted forward on block 42). Therefore, without the benefit of applicant's disclosure, it would not be obvious to modify Aigner to include a slip resistant pad as the Examiner has proposed.

Reconsideration and withdrawal of the rejection based on Aigner is solicited.

Claims 1, 2 and 11-14 were rejected under 35 USC 102(e) as being anticipated by Sizemore. Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986).

While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Sizemore discloses a shoe having retractable shock absorbers. As such Sizemore clearly has nothing to do with a push block device for displacing a workpiece relative to woodworking equipment as recited in applicant's independent claims. It is further respectfully noted that the Sizemore shock absorbers do not provide a second working surface meeting the limitations of applicant's claims. In this regard, Sizemore teaches only the bottom surface of his shock absorbers as intended to make contact with anything and that working surface is parallel to the bottom surface of the sole of the shoe. Thus, there is no teaching of a second working surface disposed in a plane defined at an angle with respect to the first working surface.

Furthermore, as noted above, claim 1 has been amended to even more specifically recite that the second working surface is for selectively engaging a trailing surface of a workpiece. It is clear from the structure and orientation of the shock absorbers in Sizemore that they are intended to engage only at their bottom surface and any engagement of a periphery of the shock absorbers would evidently impair its ability to function as disclosed.

It is also respectfully submitted that the shoe upper of Sizemore is not and would not be understood by the skilled artisan to constitute a handle. To underscore the structural differences between a handle for a push block device and the Sizemore shoe,

dependent claims 17-18 have been added which further specify that the handle includes a grip portion spaced from the main body and leg(s) extending between the grip portion and the main body, which is clearly not taught in Sizemore.

While the Examiner has apparently envisioned that an unwise woodworker might select a shoe taught by Sizemore to advance a workpiece, it is respectfully submitted that neither Sizemore nor the remaining art of record teach or suggest such a use for the Sizemore shoe. The function of the invention has been amplified in claim 13, by specifying that the recited method is a method of advancing a workpiece relative to woodworking equipment. Even to the extent someone would step on an object with the Sizemore shoe and push it, there is certainly no teaching whatsoever in Sizemore or in the remaining art of record of using the Sizemore shoe to advance a workpiece relative to woodworking equipment.


Inasmuch as the prior art of record does not in any way teach, suggest or advocate the use of the Sizemore shoe to advance a workpiece past woodworking equipment and further in view of the fact that there is no teaching or suggestion of a heel therein defining a second working surface as recited in applicant's claims, it is submitted the invention is not anticipated by nor obvious from Sizemore.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

WIRTH, Jr. et al  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Michelle N. Lester  
Reg. No. 32,331

MNL:slj  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100